

REMARKS

Reconsideration and allowance of this application are respectfully requested in view of the amendments above and remarks the below.

Allowed Claims 10-15, 20, and 21

Initially, applicants gratefully appreciate the allowance of claims 10-15, 20, and 21. No limitation on the scope of these claims should be inferred from the remarks below since these claims have already been indicated as being allowable.

Conditional Allowance of Claims 9, 18, 19, 26, and 30

Applicants also gratefully appreciate the conditional allowance of claims 9, 18, 19, 26, and 30 as being dependent upon a rejected base claim (either independent claim 1 or claim 22), but would be allowable if rewritten in independent form, including all of the limitations of the base claim, and any intervening claims.

In an effort to expedite the issuance of this application and without acquiescing to the characterizations of the applied prior art, by this amendment, applicants have amended the claims to incorporated the conditionally allowed subject matter so as to place the application in condition for allowance. Applicants reserve the right to pursue the originally filed claims in one or more divisional patent applications.

In particular, independent claim 1 has been amended to incorporate the subject matter of conditionally allowed claim 9. Accordingly, claims 1-8 and 16-19 are now in condition for allowance.

In addition, independent claim 22 has been amended to incorporate the subject matter of conditionally allowed claim 30. Accordingly, claims 22-29 are now in condition for allowance.

Also, new independent claim 31 has been added which combines the subject matter of conditionally allowed claim 18 and independent claim 1. New claim 32 depends from claim 31 and corresponds to original claim 19, new claims 33-39 depend from new independent claim 31 and correspond to original claims 2-8. The addition of new matter has been carefully avoided. Accordingly, new claims 31-39 are in condition for allowance.

Further, new independent claim 40 has been added which combines the subject matter of independent claim 22 and conditionally allowed claim 26. New claims 41-46 depend from new independent claim 40 and correspond to original claims 23-25 and 27-30. The addition of new matter has been carefully avoided. Accordingly, new claims 40-46 are in condition for allowance.

It is respectfully submitted that all the pending claims (i.e., claims 1-8, 10-29, and 31-46) are now in condition for allowance.

Information Disclosure Statement

In the Office Action, Reference CJ in the information disclosure statement filed November 18, 2005 was not considered because no publication date was supplied. Enclosed is a Fourth Information Disclosure Citation which lists Reference CJ along with a publication date of December 7, 2004 (as noted on the margin of the last page). Enclosed is also a copy of Reference CJ. Applicants gratefully appreciate the Examiner's indication that if the date is supplied, the reference will be considered. Applicants respectfully request that the reference be considered and that an initialed copy of the citation listing this reference being considered be returned to the applicants.

Objection to Claim 22

In the Office Action, claim 22 was objected to because in the last line, the phrase "purified oxygen" should be "purify oxygen." By this amendment, claim 22 has been accordingly amended as suggested by the Examiner. It is respectfully submitted that this objection is now overcome.

Double Patenting

In the Office Action, claims 1-8, 16, and 17 were rejected on the ground of non-statutory obviousness-type double patenting as being allegedly unpatentable over claims 1-47 of U.S. Patent No. 7,045,233. Applicant respectfully traverses this rejection for the following reasons.

Without acquiescing to the characterization of U.S. Patent No. 7,045,233 and to this rejection, independent claim 1 has been amended to incorporate the subject matter of conditionally allowed claim 9 so as to overcome this rejection.

Withdrawal of the double patenting rejection is respectfully requested.

Official Fees

In this response, 2 dependent claims were canceled and 16 claims have been added (2 of which being independent claims). Accordingly, a check in the amount of \$1,100 is enclosed herewith for the official fee associated with the new claims.

CONCLUSION

It is believed that the application is in condition for allowance, and such action is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "David A. Pascarella". The signature is written in black ink and is positioned above the printed name.

David A. Pascarella
Attorney for Applicants
Reg. No. 36,632

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HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579